

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ContentGuard Holdings, Inc.,

Plaintiff

v.

Amazon.com, Inc. et al.,

Defendants

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Civil Action No. 2:13-CV-1112 JRG

JURY TRIAL DEMANDED

**JOINT MOTION TO DISMISS CERTAIN CLAIMS BY PLAINTIFF CONTENTGUARD
HOLDINGS, INC. AND COUNTERCLAIMS BY DEFENDANTS SAMSUNG
ELECTRONICS CO., LTD., SAMSUNG TELECOMMUNICATIONS AMERICA LLC,
AND SAMSUNG ELECTRONICS AMERICA, INC.**

Plaintiff ContentGuard Holdings, Inc. (“ContentGuard”) and Defendants Samsung Electronics, Co., Ltd., Samsung Telecommunications America, LLC, and Samsung Electronics America, Inc. (“Samsung”) respectfully file this joint motion.

ContentGuard’s Second Amended Complaint accused Samsung of infringing (directly and/or indirectly) U.S. Patent No. 8,585,556 (hereinafter the “’556 Patent”). In its Answer and Counterclaims, Samsung denied infringement and sought declarations of noninfringement, invalidity, and unenforceability with respect to the ’556 Patent.

Following the Court’s issuance of a claim construction memorandum opinion and order that construed certain terms of the ’556 Patent and rejected ContentGuard’s request for judicial correction of certain language that appears in dependent claims 8 and 19, ContentGuard reassessed its claims with respect to the Dunkeld Patent and concluded that they present significant challenges. For that reason, ContentGuard approached Samsung to propose a

stipulation of noninfringement with respect to the '556 Patent. The parties then discussed and agreed to a joint motion requesting the Court's approval to dismiss the '556 Patent from the case.

In light of the foregoing, the parties respectfully request that the Court dismiss (1) ContentGuard's claims for infringement of the '556 Patent; and (2) Samsung's defenses and counterclaims with respect to this patent. Pursuant to the parties' agreement, the parties request that the dismissal be with prejudice with respect to ContentGuard's claims, but without prejudice with respect to Samsung's defenses and counterclaims.

Dated: September 4, 2015

Respectfully submitted,

/s/ Sam Baxter (w/permission by
Allen F. Gardner)

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America, LLC, and Samsung Electronics
America, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 4, 2015.

/s/ Allen F. Gardner

Allen F. Gardner